



**Republic of Macedonia  
MINISTRY OF JUSTICE**

*Council for judiciary reform*

***FIRST SEMIANNUAL REPORT ON THE IMPLEMENTATION  
OF THE JUDICIARY SYSTEM REFORM STRATEGY  
WITH ANNEXES***

***Skopje, May, 2005***

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In accordance with the Judicial System Reform Strategy with Annexes, bodies in charge of its implementation are obliged to submit three-month reports on Strategy implementation to the Judicial Reform Council. The Council is also responsible for the drafting of a six-month special report on the implementation of the Strategy to be submitted to the Government, the Parliament, and to judicial institutions, which is to be published. In March 2004, the Ministry of Justice submitted to the Judiciary Reform Council a report on implemented activities having been anticipated within the Action Plan for Strategy implementation.

The implementation of activities defined within the Strategy has taken place in line with the adopted Action Plan. The need for introducing amendments to the Constitution of the Republic of Macedonia in the judiciary section has been listed as a top priority within the Judicial System Reform Strategy. For that purpose, a working group was established within the Ministry of Justice comprised of representatives from the Ministry of Justice, judicial bodies, and political parties, as well as of experts from the Faculty of Law in Skopje, and from the Faculty of Law within the Tetovo State University. These amendments will primarily refer to the selection and appointment of judges and public prosecutors, as well as to the composition, organization, and competencies of the Republic

Judiciary Council. For that purpose, a comparative overview of constitutional provisions regulating the judicial power was developed. In compliance with the operational dynamics, the proposal on initiating the procedure of amending the Constitution was adopted by the Parliament of the Republic of Macedonia on its session held on 18 May, 2005; the Parliament then instructed the Government to develop the draft-amendments within 60 days. During the second stage, the Ministry of Justice developed draft-amendments to the Constitution which were afterwards adopted by the Government of the Republic of Macedonia.

The following activity defined in the Strategy was the adoption of a law on the establishment of an educational institution for judges and public prosecutors. For the purpose of carrying out this activity, within the 2001 CARDS Program, a working version of this legislative project was drafted. Within this program, in addition to organizational aspects of this institution's establishing and operation, modalities of continuous education and of initial training for judges and public prosecutors were defined. A working group was established within the Ministry of Justice; it finalized the text of the Proposal for the Adoption of a Law on the Training Academy for Judges and Prosecutors. After having obtained opinions from competent institutions, the Proposal for the adoption of this Law was adopted by the Government of the Republic of Macedonia. On its session held on 6 July, 2005, the Parliament of the Republic of Macedonia adopted the Proposal for the Adoption of the Law on the Training Academy for Judges and Prosecutors.

An information document was developed on the needs for providing appropriate premises, which took into consideration the needs for spatial accommodation of the education institution for judges and public prosecutors. The Government adopted the above mentioned document, and secured appropriate facilities to accommodate this institution.

The Law on Public Prosecution provides for the establishment of a Department within the Public Prosecution Office of the Republic of Macedonia, to act upon cases related with organized crime and corruption. For that purpose, the Government of the Republic of Macedonia adopted a conclusion that solves the spatial accommodation issue of the Department for Fight Against Organized Crime and Corruption within the facilities of the Public Prosecution Office of the Republic of Macedonia. As for the office equipment for this Department, funds for that purpose have been provided from international projects. The Head of the Department has been elected, and Department staffing has also been performed.

The increasing of operation efficiency has inevitably imposed the need for additional staff resources for the judiciary system. On the basis of analyses made regarding staff needed in courts, the Ministry of Justice in cooperation with the Judicial Budget Council has drafted an Information document on the need of recruiting staff within courts in the Republic of Macedonia. The Government of the Republic of Macedonia has adopted this document, and funds for that purpose

have been provided from the Budget of the Republic of Macedonia. On the basis of the above mentioned, the employment of 114 persons within judicial bodies in the Republic of Macedonia has been approved. The procedure for their employment is being performed at the moment, and it is expected that within legally anticipated deadlines, these persons will be employed for an indefinite time period.

The PHARE 2000 Project has been completed as part of the process of information technology introducing in courts. Within this project, a software application was installed in all courts, in three public prosecution offices (the Public Prosecution Office of the Republic of Macedonia, the Senior Public Prosecution Office in Skopje, and the Basic Public Prosecution Office in Skopje), in the Republic Judicial Council, and in the prison institution in Stip. Training for the beneficiaries has also been performed and, as part of this project, they have been partially provided with adequate hardware.

As to the current status of the Law on Litigation and the Law on Enforcement Procedures, the process of their adoption is evolving according to the anticipated dynamics. Namely, the Parliament of the Republic of Macedonia has adopted the Law on Enforcement Procedures, and the proposed Law on Litigation has been adopted by the Government of the Republic of Macedonia and submitted to the Parliament for final adoption – the second stage.

On its session held on 19 May, 2005, the Parliament of the Republic of Macedonia adopted the Law on Witness Protection. The text of the proposed law also contains the comments from the roundtable held in Skopje on 22 February, 2005, as well as basic guidelines contained in the new Recommendation on Protecting Witnesses and Cooperates of Justice that was adopted by the Committee of Ministers of the Council of Europe in April, 2005.

A working group that is intensively working on the drafting of the Law on Courts has been established within the Ministry of Justice, consisting of representatives from the judiciary, the Ministry of Justice, and from the academic world.

Concerning the court police, the Minister of Justice has adopted the Program on Continuous Education and Training of Members of the Court Police, and has provided guidelines to court presidents regarding the drafting of plans for this Program's implementation.

For the purpose of overcoming located weaknesses within the penitentiary system and in the court police, the Ministry of Justice has prepared an Information document for overcoming weak aspects in these two areas, and has submitted it to the Government of the Republic of Macedonia. The document focuses on the resolving of two key issues: staffing, and office and technical equipping.

As to the implementation of the Judiciary Modernization Project, done by DPK/USAID, it has been agreed that a comprehensive

research be undertaken in order to analyse the structure of several types of court cases. For that purpose, local experts in the field of statistics will be engaged to analyse litigations, the value of each amounting to more than 500.000,00 MKD, grave crimes, executive and misdemeanour cases. This project's goal is to collect relevant data to be used in defining the model of judiciary system organization and in defining the competencies of courts to be regulated with the new Law on Courts. In addition, this project would continue with its activities that will aim at harmonizing the management of statistical data within the judiciary system in the Republic of Macedonia in line with European standards in this field.

***MINISTER OF JUSTICE,***  
***Meri Mladenovska –***  
***Georgievska***

***LIST OF LAWS RELATED WITH THE JUDICIAL SYSTEM REFORM  
STRATEGY***

**I. Laws adopted in 2004 that are part of the Judicial System Reform Strategy:**

- Law on Amending the Criminal Code
- Law on Amending the Criminal Procedure Law
- Law on the Public Prosecution

**II. Laws that are part of the Judicial System Reform Strategy, and are not related with the amendments to the Constitution of the Republic of Macedonia:**

**a) adopted**

- Law on Enforcement Procedures
- Law on Witness Protection

**b) drafted**

- Law on Litigation (Parliament procedure – second stage)
- Law on the Training Academy for Judges and Public Prosecutors (Governmental procedure – first stage)
- Law on Judges' Salaries (there is a working version; it is currently being harmonized within competent ministries)

**c) in the stage of drafting:**

- Law on the Execution of Sanctions (there is a working version within the working group)

**d) to be drafted:**

- Law on the State Attorney
- Law on Amending the Court Budget Law (there is a working version)
- Law on the Bar
- Law on the Notary
- Law on Court Service



**III. Laws that are part of the Judicial System Reform Strategy, and are related with the amendments to the Constitution of the Republic of Macedonia:**

- **Law on Courts (there is an established working group that is intensively working on the drafting of the law)**
- **Law on the Republic Judicial Council (there is an established working group)**
- **Law on Misdemeanours (its adoption will follow the adoption of constitutional amendments)**